REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendment and the following remarks.

Claims 1 and 6-9 are currently pending. By the foregoing amendment, claims 1and 6 have been amended. Clear support of the amendments can be found in the specification at, for example, page 21, lines 4-5. Therefore, no new matter has been introduced.

In the outstanding Office Action dated September 7, 2007, claims 1, 6, and 7 were rejected under 35 U.S.C. §103(a), as being unpatentable over U.S. Patent No. 6,394,897 to Togami ("Togami") in view of U.S. Patent No. 6,312,335 to Tosaki et al. ("Tosaki") and U.S. Patent No. 5,779,555 to Nomura et al. ("Nomura"). Claims 8 and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Togami, Tosaki, et al. and Nomura, et al. in view of Cheng, U.S. Patent No. 5,667,220 ("Cheng"). To the extent that the grounds for rejection are still applied to the currently pending claims, they are respectfully traversed.

Claim 1, as amended, recites, among other things, an game machine comprising a first calculation unit for calculating a predicted return position of said ball returned by said CPU player, a judgment unit for judging whether a current position of said player is in a ball strikable range by comparing said predicted return position and the current position of said player, a ball striking position movement unit for automatically moving a ball striking position of said player to be approximated to said predicted return position when said judgment unit judges that the current position is out of the ball strikable range, a swing detection unit for detecting whether said input device has been actually

swung or not, and a second calculation unit for calculating an initial speed vector of said ball after received when said swing detection unit has detected a swing in which the position of said ball exists in a ball receivable range that is three-dimensionally defined, from a position of said ball and acceleration of said input device according to said acceleration correlation signal.

Similar features of amended Claim 1 as above are also included in amended Claim 6.

Clearly, the ball strikable range and the ball receivable range recited in the claims are different and distinguishable from each other. More particularly, the ball receivable range is defined by three dimensions (i.e., X, Y, Z coordinates) but the ball strikable range is defined in the direction of X axis. As shown in Fig. 19, in the case that the predicted return position is out of the strikable range of the player character, the ball striking position is moved toward the predicted return position in the X axis (left-right) direction. In addition to the support at page 21, lines 4-5, other support of these differences can also be found in the specification at, for example, page 19, lines 10-19.

In the Office Action, the Examiner alleged that Togami teaches all of the limitations of Claim 1, but lacks the claimed input device. To support his position, the Examiner cited Tosaki as teaching the input device. The Examiner also alleged that the combination of Togami and Tosaki does not specifically teach a second evaluation circuit but asserted that either Rimoto (U.S. Patent No. 6,257,983) or Nomura teaches such feature. Applicants respectfully disagree and submitted that the Examiner's allegation is a hindsight.

Applicants respectfully submit that none of Togami, Tosaki, Rimoto, and Nomura, when taken singly or in combination, teaches or suggests at least the combination of features of a ball striking position movement unit for automatically moving a ball striking position of said player to be approximated to said predicted return position when said judgment unit judges that the current position is out of the ball strikable range, and a second calculation unit for calculating an initial speed vector of said ball after received when said swing detection unit has detected a swing in which the position of said ball exists in a ball receivable range that is three-dimensionally defined, from a position of said ball and acceleration of said input device according to said acceleration correlation signal, as recited in Claim 1, as amended.

Togami determines whether a distance between a first cursor (ball touch down position) and the second cursor (player character) is within the range of the successful receiving distance (see Fig. 13 and col. 13, lines 22-32, step S109.) If the distance between the first cursor and the second cursor is within the successful receiving distance range, the position of the player character is moved to the position of the first cursor (see col. 13, lines 33-36, step S110) and is then received at step S111.

On the contrary, as disclosed in amended Claim 1, a ball striking position of the player is moved to be approximated to a predicted return position when the current position is out of the ball strikable range. Togami fails to teach or suggest such feature.

In addition, in Togami, if the distance between the first cursor and the second cursor is out of the successful receiving distance range, it is determined whether or not the ball reached the touch down position (see col. 13, lines 45-50, step S112.) If it is

determined as Yes, the CPU 2 displays an error of the game player on a monitor TV (see col. 13, lines 51-52, step S113.)

In the present invention, however, as defined in amended Claim 1, when the ball exists in the ball receivable range that is three-dimensionally defined and different from the ball strikable range, if a swing is detected, the ball returns. Clearly, Togami fails to teach or suggest such feature.

Neither of Tosaki, Rimoto, or Nomura cures the deficiency of Togami. Specifically, Nomura only defines the strike zone in two dimensions. As Rimoto does not intent to disclose a body sensible game, i.e., is not used in a real three-dimensional space, there is no reason for Rimoto to adapt a three-dimensional strike zone.

Based on the above, Applicants respectfully submit that amended Claim 1 is allowable over the cited art. Furthermore, as amended Claim 6 includes similar features of amended Claim 1, amended Claim 6 is also allowable over the cited art. Claim 7 is likewise allowable at least due to its dependency from patentable independent claim.

With regard to the rejection of Claims 8 and 9, Applicants respectfully submit that Cheng also fails to cure the deficiency of Togami, Tosaki, and Nomura. Furthermore, at least due to their dependency from patentable independent claim, Claims 8 and 9 are also likewise allowable.

Conclusion

For all of the above reasons, it is respectfully submitted that claims 1 and 6-9 are in condition for allowance and a Notice of Allowability is earnestly solicited.

Should the Examiner determine that any further action is necessary to place this application into better form the Examiner is invited to contact the undersigned representative at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants hereby petition for an appropriate extension of time. The Commissioner is hereby authorized to charge any fee deficiency or credit any overpayment associated with this communication to Deposit Account No. 01-2300 referencing client matter number100341-00054.

Respectfully submitted,
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